

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

FILED SENATE
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S.B 733
PRINCIPAL CLERK

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SENATE BILL DRS35323-LM-143 (03/01)

Short Title: Town of Proctorville/Sewer Fee Collections. (Local)

Sponsors: Senator Smith (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE TOWN OF PROCTORVILLE TO ATTACH PERSONAL PROPERTY, GARNISH WAGES, AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR SEWER SERVICES.

The General Assembly of North Carolina enacts:

SECTION 1. The Charter of the Town of Proctorville, being Chapter 369 of the Private Laws of 1913, as amended by Chapter 306 of the Session Laws of 1963 and S.L. 2014-25, reads as rewritten:

"Sec. 16.1. Unpaid Fees for Sewer Services. If a fee charged by the Town for sewer services remains unpaid for a period of at least 90 days, the Town may collect it in any manner by which delinquent personal or real property taxes can be collected. If the delinquent fees are collected in the same manner as delinquent real property taxes, the delinquent fees are a lien on the real property owned by the person contracting with the Town for the service. If a lien is placed on real property, the lien shall be valid from the time of filing in the office of the clerk of superior court of the county in which the service was provided and shall include a statement containing the name and address of the person against whom the lien is claimed, the name of the Town, the specific service that was provided, the amount of the unpaid charge for that service, and the date and place of furnishing that service. A lien on real property is not effective against an interest in real property conveyed after the fees become delinquent if the interest is recorded in the office of the register of deeds prior to the filing of the lien for delinquent fees. No lien under this section shall be valid unless filed in accordance with this section after 90 days of the date of the failure to pay for the service or availability fees and within 180 days of the date of the failure to pay for the service or fees. The lien may be discharged as provided in G.S. 44-48. The Town shall adopt an appeals process providing notice and an opportunity to be heard in protest of the imposition of a lien under this section. The county tax office, once notified of the Town's lien, shall include the lien amount on any tax bills printed subsequent to the notification. The county tax office shall add or remove liens from the tax bill at the request of the Town (such as in the case of an appeal where the Town decides to cancel the lien)."

SECTION 2. This act is effective when it becomes law.

